

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DHOSPITALITY,

Plaintiff,

vs.

**Civil Action 2:15-cv-2709
Judge Edmund A. Sargus
Magistrate Judge Elizabeth P. Deavers**

KARRY KORICH KDK INC.,

Defendant.

REPORT AND RECOMMENDATION

On August 13, 2015, Plaintiff Dhospitality filed a Complaint against Defendant Karry Korich KDK Inc. (ECF No. 2.) Plaintiff's complaint is unsigned and no attorney has entered an appearance on Plaintiff's behalf. On September 15, 2015 the Court ordered Plaintiff to retain a trial attorney as provided for in Southern District of Ohio Civil Rule 83.4 and cure its deficient Complaint in compliance with Southern District of Ohio Civil Rule 83.5. The Court advised Plaintiff that failure to comply with the Court's Order would result in Plaintiff Dhospitality's Complaint being stricken pursuant to Rule 11(a). To date, Plaintiff has not complied with the Court's Order. The Undersigned therefore **RECOMMENDS** that Plaintiff Dhospitality's Complaint be **STRICKEN** pursuant to Rule 11(a) of the Federal Rules of Civil Procedure.

The Clerk is **DIRECTED** to send copies of this Report and Recommendation to all parties.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that

party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

IT IS SO ORDERED.

December 31, 2015

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE